

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

JENNY JOLLY

PLAINTIFF

v.

CIVIL ACTION NO. 1:20-cv-00184-GHD-DAS

ALLSTATE INSURANCE COMPANY

DEFENDANT

**ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION TO DISMISS
AND FOR SUBSTITUTION OF PARTY**

Presently before the Court is the Defendant's motion to dismiss and for substitution of the proper party-defendant [5]. The Plaintiff has not responded in opposition to the motion. Upon due consideration, the Court finds that the motion should be granted.

The Plaintiff filed her state court complaint in this vehicular accident case on July 2, 2020 [2]. The Defendant subsequently removed the case to this Court [1]. In the Complaint, the Plaintiff names Allstate Insurance Company as the sole Defendant [2]. The subject insurance policy, however, was actually issued to the Plaintiff by a separate Allstate entity, Allstate Property and Casualty Insurance Company [5-1]. Accordingly, the party to the subject insurance policy, and thus the proper party defendant, is Allstate Property and Casualty Insurance Company, and not Allstate Insurance Company. The Court, therefore, shall grant the Defendant's motion, dismiss the claims pending against it, and substitute Allstate Property and Casualty Insurance Company as the Defendant in this matter.

Accordingly, it is hereby ORDERED that the Defendant's motion to dismiss and for substitution of the proper party-defendant [5] is GRANTED; the Plaintiff's claims against Allstate Insurance Company are DISMISSED WITHOUT PREJUDICE; and Allstate Property and

Casualty Insurance Company is SUBSTITUTED as the sole party Defendant in this matter.

SO ORDERED, this, the 26 day of October, 2020.



SENIOR U.S. DISTRICT JUDGE